



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

September 26, 2006

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: David E. Janssen
Chief Administrative Officer

WASHINGTON, D.C. UPDATE

Ryan White CARE Act Reauthorization

On September 20, 2006, the House Energy and Commerce Committee approved legislation to reauthorize Ryan White CARE Act programs through Federal Fiscal Year (FFY) 2011. The bill includes language allowing states, such as California, to use data collected through a code-based HIV reporting system while they are converting to a name-based HIV reporting system through FFY 2010. This is extremely important for California and Los Angeles County because the Health Resources and Services Administration would, otherwise, count only name-based HIV data in determining the allocation of CARE Act funds. It will take time for California to fully implement the name-based HIV reporting system, pursuant to County-sponsored State Senate Bill 699 (Soto), which the Governor signed into law in April 2006. The bill also includes a three-year hold harmless period during which each area would receive at least 95 percent of its prior year Title I emergency relief allotment.

County Chief Legislative Representative Reginald Todd sent the attached letter (Attachment I) supporting Ryan White reauthorization legislation as well as efforts to extend the hold harmless provision for a total of four years, and to count HIV cases in states that are working toward HIV surveillance systems in periods when a hold harmless provision is not in effect. Before approving the bill on a 38 to 10 vote, the Committee narrowly defeated two amendments. An amendment by Representative Towns (D-NY), which would have extended the hold-harmless period to five years and

authorized significantly higher annual funding levels, was defeated 21 to 22. Representative Bono (R-CA) was one of only two Republicans who voted in favor of that amendment. An amendment by Representative Pallone (D-NJ), which would have extended CARE Act programs through FFY 2007 and provided that formula grant funding be allocated using the same methodology for counting HIV/AIDS cases as in FFY 2006, was defeated 21 to 23. All of the voting Republican members, including Representatives Bono and Radanovich of California, opposed the Pallone amendment except for Representative Ferguson of New Jersey.

The Committee bill had been drafted through a lengthy bipartisan, bicameral process with the expectation that the bill would pass the House and Senate on unanimous consent this week. The entire New York Congressional delegation, however, opposes the bill due to concerns that the State will receive less funding. In addition, Senators Feinstein and Boxer have sent the attached letter (Attachment II) to Senate Majority Leader Frist and Minority Leader Reid, urging that Senate floor amendments be allowed. Senators Feinstein and Boxer would like to offer amendments to extend the hold harmless period and the time period that states will have to transition to a name-based system, both of which are consistent with County positions. If CARE Act reauthorization legislation is not cleared this week, final action will be delayed until after the November elections. This is because Congress plans to recess on September 29, 2006 before reconvening on November 13, 2006 for a lame duck session.

Federal Election Integrity Act (H.R. 4844)

Last week, the House passed H.R. 4844, the Federal Election Integrity Act of 2006, which would require all voters in Federal elections to show a photo identification (ID) card and to prove that they are U.S. citizens, on a vote of 228 to 196 along party lines. The photo ID card requirement would begin with the November 2008 election. State and local governments would be required to make photo ID cards available to those who lack them, including at no cost to applicants who cannot afford the fee for a card. Beginning in FFY 2008, the bill authorizes Federal reimbursement of the cost of providing indigent voters with free ID cards, subject to available annual appropriations.

By 2010, the bill requires all voters to present a photo ID card that could not have been obtained without proving that they are citizens, and requires states to issue such cards to otherwise eligible voters who lack them. U.S. passports currently are the only widely available ID card that meets such a requirement. State driver's licenses do not meet this requirement because they do not indicate whether a license holder is a citizen. Therefore, new driver's licenses or other ID cards would have to be issued to millions of citizens. The bill is expected to die this year because there are not any plans for the Senate to act on H.R. 4844 or on any similar Senate legislation.

Immigration

With the likelihood of Congress enacting comprehensive immigration reform having faded, the House Republican leadership has been pursuing immigration enforcement legislation in advance of recessing for the mid-term elections. On September 14, 2006, the House passed H.R. 6061, the Secure Fence Act of 2006, which provides for the construction of 700 miles of fencing along the U.S.-Mexican border, by a vote of 283 to 138. Last week, the House passed three other narrow immigration enforcement bills:

- H.R. 4830, the Border Tunnel Prevention Act, which establishes new criminal penalties for building illegal tunnels under the U.S. border;
- H.R. 6094, the Community Protection Act, which would allow the Department of Homeland Security to detain undocumented immigrants indefinitely if they have refused to comply with deportation proceedings, they have a contagious disease that threatens the public health, or their release would have serious adverse foreign policy consequences or threaten national security. The bill also would bar criminal street gang members from being admitted into the country and require their mandatory detention pending deportation; and
- H.R. 6095, the Immigration Enforcement Act, which would clarify that state and local law enforcement have the inherent authority to enforce Federal immigration laws, and, which would provide that any preliminary injunctive relief granted to aliens in immigration cases will automatically expire in 90 days unless the court grants permanent relief. This latter provision, in effect, would overturn a preliminary injunction order that has prevented the deportation of certain El Salvadorians since 1988.

The Senate is scheduled to begin floor debate on H.R. 6061, the Secure Fence Act, this week, but senators who support comprehensive immigration reform may seek to block the bill or offer amendments to add non-enforcement provisions, such as the creation of the AgJOBS agricultural guestworker pilot program supported by Senator Feinstein. The other House-passed immigration enforcement bills are unlikely to be considered as freestanding bills in the Senate before the recess for the mid-term elections. However, their provisions could be added into other legislative vehicles. In fact, the conference report on the FFY 2007 Homeland Security appropriations bill includes border tunnel prevention language from H.R. 4830 and S. 2355 (Feinstein, D-CA), an identical Senate bill.

Children and Families Services Improvement Act (S. 3525)

Last week, Senate and House negotiators reached agreement on S. 3525, which would reauthorize the Promoting Safe and Stable Families (PSSF) and Title IV-B Child Welfare Services programs for five years. The Senate amended S. 3525 to reflect the agreement before passing it on September 20, 2006. The House is expected to pass the bill this week, clearing it for the President's signature. S. 3525 provides \$345 million a year in mandatory funding for PSSF of which \$40 million a year is set aside for competitive grants to address methamphetamine and other substance abuse affecting the child welfare system and for grants to states to help pay for monthly caseworker visits to foster children. The bill also authorizes \$325 million a year for the Title IV-B Child Welfare Services program. An unsuccessful effort was made to include language clarifying that the new Medicaid citizenship documentation requirements in the Deficit Reduction Act of 2005 do not apply to children who otherwise are eligible for Medicaid by virtue of their receipt of Title IV-E foster care assistance.

Los Angeles Tunneling Prohibition (H.R. 4653)

On September 20, 2006, the House passed, by voice vote, H.R. 4653 (Waxman, D-CA), which would repeal a provision in the FFY 1986 Appropriations Act (Public Law 99-190) that prohibits Federal transit funds from being used for a Metro Rail project tunneling through any potential risk zone for methane gas. This funding provision, in effect, has prevented the consideration of building a subway under the Wilshire Boulevard corridor toward West Los Angeles and Santa Monica. The Senate has not yet scheduled any action on H.R. 4653.

FFY 2007 Appropriations

The Homeland Security and Defense appropriations bills are the only FFY 2007 appropriations bills, which are expected to be enacted by October 1, 2006, the start of FFY 2007. Late yesterday, Senate and House conferees reached agreement on both bills. Temporary funding for all other Federal programs and activities will be provided until November 17, 2006 through a Continuing Resolution that is included in the Defense appropriations bill (H.R. 5631). Of County interest, the conference agreement for H.R. 5641 includes \$4.4 billion to fund the production of 22 C-17 cargo aircraft, which are assembled in Long Beach. The President had requested funding for eight C-17 aircraft. The final conference agreement also includes \$5 billion more for non-emergency defense spending than included in the previous Senate version, which declared the amount to be emergency spending exempt from spending caps. This means that there will be \$5 billion less FFY 2007 funding available for domestic programs, including those aiding state and local governments. Except for homeland security programs, Congress will not finalize FFY 2007 appropriations for any domestic programs until the lame duck session after the November elections.

Each Supervisor
September 26, 2006
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The conference report on the Homeland Security appropriations bill (H.R. 5441) is not yet available in print. However, based on the available summaries of the conference agreement, programs aiding state and local governments would be at levels that are either slightly above or below FFY 2006, as seen in the attached chart (Attachment III).

We will continue to keep you advised.

DEJ:GK
MAL:MT:lm

Attachments

c: All Department Heads
Legislative Strategist



COUNTY OF LOS ANGELES

Washington, D.C. Legislative Office

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DAVID E. JANSSEN
Chief Administrative Officer

REGINALD N. TODD
Chief Legislative Representative

Attachment I

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

September 19, 2006

The Honorable Henry Waxman
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, DC 20515

Dear Representative Waxman:

I am writing to communicate Los Angeles County's support for the Ryan White HIV/AIDS Treatment Modernization Act of 2006, which is due to be marked up by the House Energy and Commerce Committee on September 20, 2006.

This Ryan White CARE Act reauthorization legislation would allow states, such as California, which have converted or are converting to a names-based HIV reporting system to use the data collected through their code-based HIV reporting system. As you know, this is extremely important for California and Los Angeles County, which is the nation's second most HIV/AIDS impacted local jurisdiction. The Centers for Disease Control and Prevention (CDC) currently does not count California's HIV cases as it does not consider the State's name-based HIV reporting system to be mature. While hard work lies ahead for California to fully implement its names-based HIV reporting system, we are confident that this provision in the legislation will adequately protect existing systems of care for its residents who live with HIV and AIDS.

The County understands that, absent this legislation, the Health Resources and Services Administration (HRSA) will count only HIV cases for states with mature name-based HIV reporting systems in allocating Federal Fiscal Year 2007 Ryan White CARE Act funds. This would have a devastating fiscal impact on California and the County. The proposed CARE Act reauthorization legislation effectively addresses many of the concerns raised by the County's Board of Supervisors in its August 30, 2006 letter to you. To further strengthen this legislation, the County encourages you to support efforts to extend the hold harmless provision for a total of four years, and a provision that counts HIV cases in states working toward mature HIV surveillance systems in periods when a hold harmless provision is not in effect.

The Honorable Henry Waxman
Page Two

Thank you for your assistance to the County on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reginald N. Todd', written over the printed name.

Reginald N. Todd
Chief Legislative Representative
County of Los Angeles

c: Each Supervisor
Director of Public Health

United States Senate

WASHINGTON, DC 20510

September 21, 2006

The Honorable William H. Frist, M.D.
Senate Majority Leader
United States Senate
Washington, DC 20510

The Honorable Harry Reid
Senate Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Frist and Minority Leader Reid:

We are writing to express our ongoing concerns about the impact the current version of the Ryan White reauthorization bill will have on California. The bill, as currently drafted, has the potential to greatly destabilize our state's system of HIV/AIDS care. We ask that you allow consideration of the bill under regular order on the Senate floor, so that amendments can be offered, debated, and voted upon.

While we have supported the bipartisan, bicameral process through which this reauthorization has been developed, we are disappointed that the final product seeks to expand services to HIV/AIDS patients without the requisite funding increase to enable jurisdictions with older epidemics to continue to provide necessary services. Already, grantees are struggling to maintain services to patients in light of a decline in Ryan White CARE Act funds by approximately 25 percent since 2000 in constant dollars.

Therefore, we were dismayed to learn that you intend to pass this bill by unanimous consent, denying Senators the opportunity to offer amendments. We are not members of the Senate Health, Education, Labor and Pensions Committee, and therefore considering the bill on the Senate floor offers us the only opportunity to propose and consider changes that may be critical for the sustained care and treatment of HIV/AIDS patients around the country.

California could well be seriously impacted by a provision in the bill that distributes funds in the final year based on states' names-based HIV counts. The state will make every possible effort to expedite the transition to a new names-based HIV reporting system by Fiscal Year 2011, but the experiences of other large states suggest that it takes more than four years for a large state to fully transition to a names-based HIV system. It is unlikely that California will have

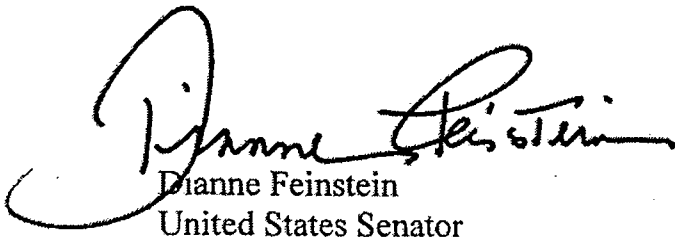
successfully moved all HIV cases into a names-based system by this deadline. As a result, the state of California projects that its funding could drop significantly in the final year of the reauthorization, resulting in a total loss of as much as \$50 million.

Given the opportunity, we would like to offer an amendment on the Senate floor permitting the Secretary of Health and Human Services to certify whether a state has made good faith efforts to fully complete the transition to a names-based system, and use some or all of that state's code-based HIV data in calculating FY2011 funding if that certification is made. We are confident that, given sufficient time, a names-based HIV reporting system will reflect that California remains an epicenter of the HIV/AIDS epidemic.

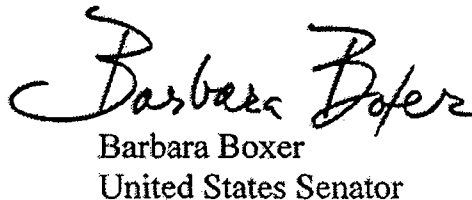
We are also interested in offering an amendment to stem the anticipated devastating loss to San Francisco starting in Fiscal Year 2010. For a variety of reasons, many jurisdictions hardest hit by the epidemic – including San Francisco, Chicago, and New York City – will be adversely affected under the bill as drafted. The Senate should have a full debate on the impact these proposals have on HIV/AIDS patients in all areas. We owe it to the HIV/AIDS patients in all states to preserve the systems of care upon which they rely.

In the interest of promoting stability of funding for HIV/AIDS care and treatment, these and other potential amendments are worthy of full consideration on the Senate floor. Please notify us as to whether you will allow Senators to offer amendments to the bill. We look forward to working with you to craft a reauthorization that meets the needs of all HIV/AIDS patients.

Sincerely,



Dianne Feinstein
United States Senator



Barbara Boxer
United States Senator

**FEDERAL FISCAL YEAR (FFY) 2007 FUNDING LEVELS
FOR PROGRAMS OF COUNTY INTEREST IN H.R. 5441
HOMELAND SECURITY APPROPRIATIONS BILL
(in millions)**

PROGRAMS	Enacted 2006	President 2007	House 2007	Senate 2007	Conference¹ 2007
State Homeland Security Grant	\$ 545	\$ 633	\$ 545	\$ 500	\$ 525
Law Enforcement Terrorism Prevention	396	0	400	350	375
High-Threat Urban Area Grants	757	838	770	745	770
Targeted Infrastructure Protection	0	600	0	0	0
Rail and Transit Security	149	0	200	150	175
Port Security	173	0	200	210	210
Emergency Management Performance Grant	183	170	186	220	200
Firefighting Grants	540	293	545	552	547
SAFER ²	109	0	110	127	115
Urban Search and Rescue Teams	20	20	20	30	25

Footnote

- ¹ Based on the House and Senate Appropriations Committees' summaries of the conference agreement on the bill.
- ² SAFER refers to the Staffing for Adequate Fire and Emergency Response Firefighting Program.